

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 1, 2004

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B170563 People v. James Kellam
B168803 In re Elizabeth B.; DCFS v. Suzette R.
B168373 In re Harrison S.; DCFS v. Michael N.

Argument waived, cause submitted.

B166670 People
 v.
 Rayman Borhan

Merits:
Argued by Vanessa Place for appellant and by Alan D. Tate, Deputy
Attorney General for respondent. Cause submitted.

B166412 People
 v.
 Javier Zaragoza

Merits:
Argued by Edward J. Haggerty for appellant and by James W. Bilderback
II, Deputy Attorney General for respondent. Cause submitted.

DIVISION FIVE (Continued)

B168843 Mark L. Cohen
 v.
 Salomon Smith Barney, Inc. et al.

Merits:
Argued by Dawn M. Schock for appellants and by David R. Sidran for respondent. Cause submitted.

B162155 Mark Lueker
B165558 v.
 Ernesto Bues, et al.

Merits:
Argued by Steven Aaron Blum for appellants and by Mitchel J. E for respondent. Cause submitted.

B161571 John D. Williams
 v.
 Reginald Burgess

Merits:
Argued by L'Tanya M. Butler and Gary M. Ruttenberg for respondents and there being no appearance for appellant submission deferred. Cause to be submitted on March 11, 2004. In open court, parties are directed to file letter briefs on or before March 11, 2004.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk, Deputy Clerk.

B164341 Bada v. West Covina Prime Health Care

Argument waived, cause submitted.

March 1, 2004 (Continued)

DIVISION FIVE (Continued)

B165082 Action Apartment Association Inc., et al.
v.
City of Santa Monica

Merits:
Argued by Rosario Perry for appellant and by Adam Randinski, Deputy City Attorney for respondent. Cause submitted.

B166248 Aurthur W. Hedges, et al.
v.
Steven Carrigan, et al.

Merits:
Argued by William Marlin Turner for appellants and no appearance for respondents. Cause submitted.

B165689 General Security Insurance Company
v.
Old Republic Insurance Company

Merits:
Argued by Rickee S. Steward for appellant and by Daniel J. Crawford for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B164140 People (Not for Publication)
v.
Ortiz

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

March 1, 2004 (Continued)

DIVISION SIX (Continued)

B168506 People (Not for Publication)
v.
Marcelo R.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B162333 People (Not for Publication)
v.
Lopez, et al.

The judgments are modified in the following respects: (1) the consecutive two-year term imposed as part of appellant Fernando Lopez's sentence under section 186.22, subdivision (b)(1) is stricken; (2) the two-year terms imposed as part of appellants Francisco Lopez's and Francisco Galindo's sentences under section 186.22, subdivision (b), and then stayed under section 654, are stricken; (3) the judgments of all three appellants shall include a provision that they shall not be paroled before serving a minimum of 15 calendar years in prison, pursuant to section 186.22, former subdivision (b)(4) [now renumbered (b)(5)]. The superior court shall prepare an amended abstract of judgment and shall forward a copy to the Department of Corrections. As so modified, the judgments are affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B164996 Los Angeles County, D.C.S. (Not for Publication)
v.
Antonio C.L.

The juvenile court's January 27, 2003, order denying Antonio C.L.'s January 21, 2003, section 388 petition is vacated. This matter is remanded to the juvenile court to conduct an evidentiary hearing on the petition and thereafter issue a new order on the petition.

Woods, J.

I concur: Zelon, J.
I dissent: Perluss, P.J. (Opinion)

B162959 People v. Robinson (Not for Publication)
B167551 In re Robinson on Habeas Corpus

Accordingly, the petition for writ of habeas corpus is granted. The superior court is directed to set aside petitioner's plea and convictions and afford petitioner a trial. The appeal is dismissed.

Woods, J.

I concur: Zelon, J.
I dissent: Perluss, P.J. (Opinion)

DIVISION EIGHT

B170430 People (Not for Publication)
v.
Binns

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

DIVISION EIGHT (Continued)

B165806 Tire Distributors, Inc.

v.

Superior Court, Los Angeles County

(A-Line Construction & Engineering, Inc. et al., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B160117 People

v.

Britt

Filed order denying petition for rehearing.